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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|---|---------------|----------------------|-------------------------|-----------------|
| 10/616,908 | 07/11/2003 | Junichi Yano | 60188-574 | 2494 |
| 75 | 90 11/24/2004 | | EXAM | INER |
| Jack Q. Lever, Jr. | | | TRAN, ANH Q | |
| McDERMOTT, WILL & EMERY 600 Thirteenth Street, N.W. Washington, DC 20005-3096 | | | ART UNIT | PAPER NUMBER |
| | | | 2819 | |
| | | | DATE MAILED: 11/24/2004 | 1 |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | · | | | | | |
|---|---|--|--|--|--|--|
| | Application No. | Applicant(s) | | | | |
| Office Antion Communic | 10/616,908 | YANO, JUNICHI | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | Anh Q. Tran | 2819 | | | | |
| The MAILING DATE of this communication ap Period for Reply | pears on the cover sheet with the c | correspondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a report of the period for reply secified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by stature Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | . 136(a). In no event, however, may a reply be tin ply within the statutory minimum of thirty (30) day d will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE | nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on 11. | July 2003. | | | | | |
| 2a) This action is FINAL . 2b) ☐ Thi | is action is non-final. | | | | | |
| 3) Since this application is in condition for allows closed in accordance with the practice under | • | | | | | |
| Disposition of Claims | | | | | | |
| 4) Claim(s) 1-18 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-18 are subject to restriction and/or | awn from consideration. | | | | | |
| Application Papers | | | | | | |
| 9) The specification is objected to by the Examin | ner. | | | | | |
| 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection to the | e drawing(s) be held in abeyance. Se | e 37 CFR 1.85(a). | | | | |
| Replacement drawing sheet(s) including the corre 11) The oath or declaration is objected to by the E | • | • | | | | |
| Priority under 35 U.S.C. § 119 | • | • | | | | |
| 12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the pri application from the International Burea * See the attached detailed Office action for a list | nts have been received. nts have been received in Applicati ority documents have been receive au (PCT Rule 17.2(a)). | ion No ed in this National Stage | | | | |
| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date | | | | | | |
| Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date | | ate Patent Application (PTO-152) | | | | |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Group I – figures 1 & 14, Group II – figures 4 & 5, Group III – figure 10, Group IV – figure 12.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

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case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Q. Tran whose telephone number is 571-272-1813. The examiner can normally be reached on M-TH (7:00-5:30) Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anh Q. Tran Examiner Art Unit 2819

11/12/04